

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, OCTOBER 31, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, October 31, 2005, with President Talley presiding.

Councillor Sanders asked for a moment of silence in memory of Judge John Price, who passed away this weekend. Judge Price served in the Marion County Superior Court for 24 years.

Councillor Randolph led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Conley

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Oliver asked for a moment of silence in memory of Rosa Parks, who passed away on October 24, 2005 at the age of 92. He said that she is the mother of the Civil Rights Movement. Councillor Nytes introduced Dixie Wiles Ray, a nominee for the Community Corrections Advisory Board. Councillor Oliver recognized neighborhood activist Cornell Burris. Councillor Gray recognized Bill Brown, director of Task Force One. Councillor Mansfield recognized her son, Sergeant James Mansfield of the United States Marines.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 31, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

October 11, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 14, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 517, 521, 523, 524, 527-533, and 536, 2005, said hearing to be held on Monday, October 31, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

October 17, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 116, 2005 – approves an increase of \$800,000 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Consolidated County Fund), to implement various housing initiatives to benefit low income individuals and families and non profit developers of affordable housing. Aid will include financial assistance, grants, loans, loan guarantees, and technical assistance, financed by the Housing Trust Fund, which is a subfund of the Consolidated County Fund

FISCAL ORDINANCE NO. 117, 2005 - approves an increase of \$294,795 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Non-Lapsing Federal Grant and Non-Lapsing State Grant Funds) to fund environmental site assessments and brownfield inventory efforts in the Martindale-Brightwood, LaSalle Park and Fall Creek Place neighborhoods, funded by a grant from the US Environmental Protection Agency and for environmental assessments of the former Ertel Manufacturing plant

FISCAL ORDINANCE NO. 118, 2005 - approves an increase of \$534,000 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Redevelopment General Fund), to finance activities which support the life sciences incubator, funded by gross retail incremental taxes paid by businesses located within the area designated as the downtown Certified Technology Park, and by income tax incremental amounts paid by employees of those businesses

FISCAL ORDINANCE NO. 119, 2005 – approves an increase of \$1,548,000 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Federal Grant and Non-Lapsing Federal Grant Funds), to fund housing initiatives that will provide 18 rental units for low income families and 46 home ownership opportunities for low to moderate income households, funded by grants from the US Department of Housing and Urban Development

October 31, 2005

FISCAL ORDINANCE NO. 120, 2005 – approves an increase of \$1,118,286 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), for programs for victims of domestic abuse and sexual assault; overtime and equipment for the Super Achilles (violent offenders) task force; and programs dealing with the problem of human trafficking, sponsored by the Law Enforcement and Service Provider Multi-disciplinary Anti-Trafficking Task Force, financed by grants from the Indiana Criminal Justice Institute, the Indiana Coalition Against Sexual Assault and the U.S. Department of Justice

FISCAL ORDINANCE NO. 123, 2005 – approves an increase of \$200,000 in the 2005 Budget of the Marion County Community Corrections (Conditional Release Fund) to pay for SCRAM (Secure Continuous Remote Alcohol Monitoring) equipment used for pre-trial home detention, financed by fund balance

FISCAL ORDINANCE NO. 124, 2005 – approves an increase of \$27,000 in the 2005 Budget of Marion County Community Corrections (Home Detention User Fee Fund) for contractual services, funded by fund balance

FISCAL ORDINANCE NO. 125, 2005 – approves an increase of \$402,909 in the 2005 Budget of Marion County Community Corrections (State and Federal Grants Fund) to appropriate carryover 2004/2005 State funds; \$50,000 for faith-based program, \$10,567 for housing and treatment costs for the Re-entry court, and \$342,342 for the new work release center; funded by carryover grant funds from the Department of Corrections

FISCAL ORDINANCE NO. 126, 2005 – approves an increase of \$44,500 in the 2005 Budget of the Marion County Justice Agency (Law Enforcement Fund) to pay for fuel costs of the Metro Drug Task Force and for personnel costs of Forensic and Forfeiture, funded by fund balance

FISCAL ORDINANCE NO. 127, 2005 – approves a transfer of \$22,800 and appropriates \$152,500 in the 2005 Budget of the Marion County Justice Agency (Federal Equitable Share Fund) for purposes of purchasing 10 vans with safety equipment to transport prisoners, funded by a transfer of \$22,800 and an additional appropriation of \$152,500 from fund balance

GENERAL ORDINANCE NO. 100, 2005 – amends the Code to allow for the registration, caretaking, vaccination and feeding of free-roaming cats through a managed program known as trap-neuter-return

SPECIAL RESOLUTION NO. 67, 2005 – recognizes the 20th anniversary of the Indianapolis Children's Choir

SPECIAL RESOLUTION NO. 68, 2005 – recognizes Jim O'Donnell and the other USS Indianapolis survivors

SPECIAL RESOLUTION NO. 69, 2005 – recognizes Indianapolis as a bicycle friendly community

SPECIAL RESOLUTION NO. 70, 2005 – recognizes Childhood Cancer Awareness Week

SPECIAL RESOLUTION NO. 71, 2005 – recognizes October 10, 2005 as "April Green Day" in Indianapolis

SPECIAL RESOLUTION NO. 72, 2005 – recognizes Rhoades Elementary School as a "No Child Left Behind" Blue Ribbon School of 2005

SPECIAL RESOLUTION NO. 73, 2005 – recognizes the 7th Annual Family Fun-Filled Back to School Carnival Celebration

SPECIAL RESOLUTION NO. 74, 2005 – congratulates St. John United Church of Christ (Cumberland) upon their 150th anniversary

SPECIAL RESOLUTION NO. 75, 2005 – recognizes Lamon Brewster, the World Boxing Organization Heavyweight Champion from Indianapolis, Indiana

Respectfully,
s/Bart Peterson, Mayor

President Talley stated that each Council member should have a complete financial report from the Kids Health Festival, which finished with a balance of \$19,369.83 to begin work on next year's event.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of October 10, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 585, 2005. The proposal, sponsored by All Councillors, remembers Ava Earles. Councillor Sanders read the proposal and presented family members with copies of the document and Council pins. Councillor Sanders stated that Ms. Earles will be dearly missed. Councillor Borst stated that Ms. Earles went out of her way to make sure Councillors were accommodated and she is tough to replace. Kevin Earles, Ava's husband, thanked the Council for the recognition and stated that Ava was always non-partisan in her work for the Council and its members. Councillor Sanders moved, seconded by Councillor Borst, for adoption. Proposal No. 585, 2005 was adopted by a unanimous voice vote.

Proposal No. 585, 2005 was retitled SPECIAL RESOLUTION NO. 76, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 76, 2005

A SPECIAL RESOLUTION remembering Ava Earles.

WHEREAS, on April 6, 1988, Ava first began her long tenure of working in the City-County Council Office and quickly rose from Executive Secretary to Assistant Clerk; and

WHEREAS, during her Council Office career, Ava acted as the exclusive clerk for the Public Safety and Criminal Justice Committee, as well as participated yearly in putting together schedules, travel arrangements, and itinerary for the Scarborough Peace Games. She also volunteered to work at the Peace Games and actively participated in numerous volunteer activities in 2001 when Indianapolis hosted the World Police and Fire Games; and

WHEREAS, in 2000 Ava was diagnosed with breast cancer. She bravely faced her battle head-on and forged on aggressively with surgery, returning just weeks later. She resolved to quit smoking, start exercising, and live each day to the fullest---thus, enjoying the simple things in life such as spending time camping with her husband and best friend of 30 years, Kevin; cooking (she was always trying and sharing new recipes); and spending "down time" with her family, close friends, and her beloved canine companions; and

WHEREAS, Ava also pledged her time to being an associate member of the Fraternal Order of Police Lodge #86 and was a former member of the Greater Indianapolis Republican Women's Club. She also dedicated her personal time to participating each and every year following her surgery as a survivor in the Susan G. Komen Race for the Cure, which raises awareness and money for breast cancer research; and

WHEREAS, in 2005, Ava retired from the Council to once again wage war against her cancer. In September her battle came to a peaceful end, and Ava's friends, family, and co-workers lost a near and dear person; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council and Council staff fondly remember and honor one of its own for her hard work, dedication, and civil service.

SECTION 2. The Council and staff are most proud to have been a part of Ava's life and extend its sincerest thoughts and prayers to those who knew her best.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 586, 2005. The proposal, sponsored by Councillors Nytes and Keller, recognizes the Inaugural Massachusetts Avenue and IndyFringe Festival. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Nelly Hoppe, IndyFringe Festival, thanked the Council for the recognition and said that success is due to much collaboration and many volunteers. Councillors Keller and Sanders thanked the group for bringing the festival to Indianapolis and further promoting cultural arts in the City. Councillor Sanders recognized friend Tom Batista for helping to bring the cultural arts to Massachusetts Avenue and building that area up. Councillor Nytes moved, seconded by Councillor Keller, for adoption. Proposal No. 586, 2005 was adopted by a unanimous voice vote.

Proposal No. 586, 2005 was retitled SPECIAL RESOLUTION NO. 77, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 2005

A SPECIAL RESOLUTION recognizing the Inaugural Massachusetts Avenue and IndyFringe Festival.

WHEREAS, Massachusetts Avenue's five permanent live theaters (American Cabaret Theatre, ComedySportz Indianapolis, The Phoenix Theatre, Murat Centre, and Theatre on the Square) worked together with Indianapolis Downtown, Inc., Riley Area Development Corporation, Indianapolis Theatre Fringe Festival Board, and numerous other partners to create the Inaugural Massachusetts Avenue and IndyFringe Festival on August 19 through August 28th; and

WHEREAS, Massachusetts Avenue theaters made more than \$145,000 in major improvements; creating three new performing spaces in the Phoenix Theatre, Athenaeum, and Theatre on the Square, thanks to grants from the Massachusetts Avenue Development Corporation and the Nina Mason Pulliam charitable trust; and

WHEREAS, 29 IndyFringe shows totaling 145 performances over 10 days were presented at three Massachusetts Avenue theater spaces, drawing 4,775 attendees; and

WHEREAS, hundreds of volunteers dedicated many hours to make this inaugural festival a success and future annual event; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates all who gave their time to make this festival such a huge success.

SECTION 2. The Council is proud to have such strong arts representation in the City and continues to support the various programs, services, etc. that are offered to the community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 587, 2005. The proposal, sponsored by Councillors Gray and Talley, recognizes the 110th Anniversary of The Indianapolis Recorder. Councillor Gray read the proposal and presented representative Leroy Wilson with a copy of the document and Council pin. Mr. Wilson thanked the Council for the recognition. Councillor Gray said that it is a real accomplishment for an African-American owned business to continue to thrive for 110 years. Councillor Boyd said that the paper serves a great purpose in Indianapolis. Councillor Gray moved, seconded by Councillor Boyd, for adoption. Proposal No. 587, 2005 was adopted by a unanimous voice vote.

Proposal No. 587, 2005 was retitled SPECIAL RESOLUTION NO. 78, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 2005

A SPECIAL RESOLUTION recognizing the 110th Anniversary of The Indianapolis Recorder.

WHEREAS, *The Indianapolis Recorder* has an honored legacy that makes and impacts history. After 110 years of existence, the *Recorder* prevails as the fourth oldest surviving African-American newspaper in the nation. What began as a two-page church bulletin by George P. Stewart now hails as one of the top African-American publications in the nation; and

WHEREAS, from its beginning, the *Recorder* has been an advocate, as well as a purveyor of truth and justice, with a focus on empowering African-Americans. It is the *Recorder's* goal to educate and motivate the community as the *Recorder* continues the legacy of being freedom fighters and advocates; and

WHEREAS, as an advocate that seeks to educate and uplift the community, the *Recorder* provides news coverage on issues that directly affects African-Americans. Not only does the *Recorder* report on disparities and injustices, it also offers solutions that will positively impact the general public. Because of this dedication, the *Recorder* has not only been a source of information, but also a source for help; and

WHEREAS, the *Recorder's* motto of "Preparing a conscious community today and beyond" in the information it provides. The *Recorder* is proud of the heritage as a powerful voice that speaks to the people and for the people. With a true team effort and support of the community, *The Indianapolis Recorder* is leveraged to advance in this new era with greater stability, growth, and empowerment; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates *The Indianapolis Recorder* on its 110-year legacy of excellence and outstanding service.

SECTION 2. The Council extends its best wishes for another successful 110 years and beyond .

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 572, 2005. The proposal, sponsored by Councillor Talley, approves a schedule of regular council meetings for the year 2006. Councillor Gibson moved, seconded by Councillor Sanders, for adoption. Proposal No. 572, 2005 was adopted by a unanimous voice vote.

Proposal No. 572, 2005 was retitled COUNCIL RESOLUTION NO. 79, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2005

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2006.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

October 31, 2005

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2006:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 09, 2006 | (10) Monday, July 17, 2006 |
| (2) Monday, January 23, 2006 | (11) Monday, August 07, 2006 |
| (3) Monday, February 13, 2006 | (12) Monday, August 28, 2006 |
| (4) Monday, March 06, 2006 | (13) Monday, September 18, 2006 |
| (5) Monday, March 27, 2006 | (14) Monday, October 09, 2006 |
| (6) Monday, April 17, 2006 | (15) Monday, October 30, 2006 |
| (7) Monday, May 15, 2006 | (16) Monday, November 13, 2006 |
| (8) Monday, June 05, 2006 | (17) Monday, November 27, 2006 |
| (9) Monday, June 19, 2006 | (18) Monday, December 18, 2006 |

PROPOSAL NO. 444, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 444, 2005 on October 12, 2005. The proposal, sponsored by Councillors Gray and Moriarty Adams, appoints Raymond Pierce to the Indianapolis-Marion County Forensic Services Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal No. 444, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Bowes, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Talley
0 NAYS:
4 NOT VOTING: Borst, Boyd, Plowman, Speedy
1 ABSENT: Conley

Proposal No. 444, 2005 was retitled COUNCIL RESOLUTION NO. 80, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2005

A COUNCIL RESOLUTION appointing Raymond Pierce to the Indianapolis-Marion County Forensic Services Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Forensic Services Board, the Council appoints:

Raymond Pierce

SECTION 2. The appointment made by this resolution is for a term ending on September 30, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 518, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 518, 2005 on October 12, 2005. The proposal, sponsored by Councillors Nytes and Keller, appoints Dixie Wiles Ray to the Marion County Community Corrections Advisory Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal No. 518, 2005 was adopted on the following roll call vote; viz:

25 YEAS: Abdullallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

3 NOT VOTING: Borst, Plowman, Speedy

1 ABSENT: Conley

Proposal No. 518, 2005 was retitled COUNCIL RESOLUTION NO. 81, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2005

A COUNCIL RESOLUTION appointing Dixie Wiles Ray to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Dixie Wiles Ray

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 520, 2005 Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 520, 2005 on October 12, 2005. The proposal, sponsored by Councillor Keller, appoints Noel W. Wyatt to the Marion County Community Corrections Advisory Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal No. 520, 2005 was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

6 NOT VOTING: Abdullallah, Borst, Bowes, Gray, Plowman, Speedy

1 ABSENT: Conley

Proposal No. 520, 2005 was retitled COUNCIL RESOLUTION NO. 82, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 2005

A COUNCIL RESOLUTION appointing Noel W. Wyatt to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Noel W. Wyatt

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 559, 2005. Introduced by Councillors Nytes, Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 560, 2005. Introduced by Councillors Oliver, Cockrum and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,374 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund three programs for youth at Washington Park, supporting drug and violence reduction and development of a technology-based Youth Leadership Academy for youth ages 10-18, funded by Weed and Seed grants from the US Department of Justice"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 561, 2005. Introduced by Councillors Gray, Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$64,474 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund) to fund afterschool programs at IPS School 27, funded by a donation from the United Way, and to implement character building programs for youth, funded by a grant from the NCAA"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 562, 2005. Introduced by Councillors Gray, Talley, Franklin and Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$102,763 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for construction inspection for the bike and pedestrian trail on the upper Fall Creek trail between 56th Street and Shadeland Avenue, financed by federal funds from the Transportation Enhancement Fund administered by the Indiana Department of Transportation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 563, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$120,000 in the 2005 Budget of the Marion County Coroner (County General Fund) to fund the cost of providing autopsies, financed by a \$20,000 transfer between characters and \$100,000 from fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 564, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,288 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to provide reimbursement for overtime earned by two deputies while assigned to the Indianapolis Violent Crime Major Incident Safe Street Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 565, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$136,296 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal

Grants Fund) to provide reimbursement for nine officers assigned to the Indianapolis Metropolitan Gang Safe Streets Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 566, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$786,729 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund salaries, benefits and other project costs associated with programs dealing with Operating a Vehicle While Intoxicated (OVWI), Fatality Awareness & Crash Training (FACT) and Seat Belt Enforcement, financed by grants from the National Highway Traffic Safety Administration and the Governor's Council on Impaired and Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 567, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$127,500 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund partial salaries, benefits and other project costs associated with a prosecutor and a paralegal that will specialize in Anti Human Trafficking, in conjunction with other local agencies, funded by a grant from the federal Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 568, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$753,726 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund salaries and benefits of certain prosecutors and support staff of the juvenile and community prosecution divisions, funded by a Byrne Memorial Fund Community Prosecution grant from the Indiana Criminal Justice Institute, a Justice Assistance subgrant from IPD, and a Local Law Enforcement Block grant from the US Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 569, 2005. Introduced by Councillors Conley, Mansfield, Mahern, Moriarty Adams, Keller and Speedy. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of one or more series of Sanitary District Revenue Bonds, and if necessary, one or more series of notes in an aggregate principal amount not to exceed \$160,000,000 and approving and authorizing other actions in respect thereto"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 570, 2005. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$1,563,000 in the 2005 Budget of the Department of Public Works, Fleet Services Division (Consolidated County Fund), to pay additional costs for motor vehicle fuel due to rising fuel prices, financed by internal charges and revenues from non-city customers who purchase fuel from Fleet Services"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 571, 2005. Introduced by Councillors Conley and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$330,000 in the 2005 Budget of the Department of Public Works, Policy and Planning Division (Non-Lapsing Federal Grants Fund), to retrofit approximately 140 diesel-powered IndyGo buses with emission-reducing Diesel Oxidation Catalysts and other air pollution related projects, financed by a \$145,000 payment to accomplish a supplemental environmental project provided for in a Consent Agreement and Final Order between the International Truck and Engine Corporation and the US

Environmental Protection Agency (EPA), and to retrofit approximately 196 vehicles owned by DPW and other governmental entities and undertake public education and outreach to raise awareness of air quality issues, financed by a \$185,000 grant from the EPA"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 573, 2005. Introduced by Councillors Gray and Mahern. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints David A. Shabazz to the Wellfield Education Corporation board "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 574, 2005. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the continuation of designation by the state of Indiana as an Enterprise Zone"; and the President referred it to the Economic Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 575, 2005, PROPOSAL NO. 576, 2005, PROPOSAL NO. 577, 2005, PROPOSAL NO. 578, 2005, PROPOSAL NO. 579, 2005, PROPOSAL NO. 580, 2005, and PROPOSAL NOS. 581-584, 2005. Introduced by Councillor Mahern. Proposal No. 575, 2005, Proposal No. 576, 2005, Proposal No. 577, 2005, Proposal No. 578, 2005, Proposal No. 579, 2005, Proposal No. 580, 2005 and Proposal Nos. 581-584, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 11, 13, 18, and 20, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 146-155, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 146, 2005.

2005-ZON-824 (2005-DP-005)

8730 ACTON ROAD (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

K & M REALTY, LLC, by Joseph C. Calderon, requests a rezoning of 26.952 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for a single-family residential development, with a density of 0.37 units per acre.

REZONING ORDINANCE NO. 147, 2005.

2005-ZON-099

1531 EAST EPLER AVENUE AND 5500 COPELAND AVENUE (Approximate Addresses), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

TRINITY GENERAL BAPTIST CHURCH requests a rezoning of 0.56 acre, being in the I-2-U and D-3 Districts to the SU-1 classification to legally establish, and provide for the expansion of, religious uses.

REZONING ORDINANCE NO. 148, 2005.

2005-ZON-121

1415-1425 WEST OHIO STREET, 1437 AND 1439 EVERETT STREET, AND 1442-1448 WEST MARKET STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, by David Kingen, requests a rezoning of 0.758 acre, being in the D-8 (RC)(W-5) and C-3 (RC)(W-5) Districts, to the SU-1 (RC)(W-5) classification to provide for the construction of parking areas for religious uses.

REZONING ORDINANCE NO. 149, 2005.

2005-ZON-091

1709 EAST 38TH STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

NEW BEGINNING MINISTRIES, INC., by David Kingen, requests a rezoning of 2.24 acres, being in the I-2-U (W-1) District, to the SU-1 (W-1) classification to legally establish, and provide for the expansion of religious uses.

REZONING ORDINANCE NO. 150, 2005.

2004-ZON-847 (Amended)

5071 EAST 10TH STREET and 926-930 NORTH EMERSON AVENUE (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

FAMILY VIDEO AND MOVIE CLUB, by Joseph D. Calderon, requests a rezoning of 0.62 acre, being in the D-5 and C-4 Districts, to the C-3 classification to provide for a video rental store.

REZONING ORDINANCE NO. 151, 2005.

2005-ZON-093

1801 EAST STOP 12 ROAD (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

SOUTHSIDE MISSIONARY BAPTIST CHURCH, by David A. Retherford, requests a rezoning of 4.56 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 152, 2005.

2005-ZON-109

7636 SOUTH MERIDIAN STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.

JAY A. JONES, by Michael J. Kias, requests a rezoning of 0.95 acre, being in the D-4, C-4, D-6 and D-A Districts, to the C-3 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 153, 2005.

2005-ZON-115

944 ELM STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT requests a rezoning of 0.09 acre, being in the PK-1 District, to the D-8 classification to legally establish residential uses.

REZONING ORDINANCE NO. 154, 2005.

2005-ZON-135

2028 BROAD RIPPLE AVENUE (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

JOY'S HOUSE, by David Kingen, requests a rezoning of 0.64 acre, being in the D-3 District, to the C-1 classification to legally establish, and provide for the expansion of office uses.

REZONING ORDINANCE NO. 155, 2005.

2005-ZON-136

229 & 324 WEST MORRIS STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

HUDSON FURNITURE COMPANY, INC., by David Kingen, requests a rezoning of 2.9 acres, being in the C-S District, to the C-S classification to provide for a kennel, with outside pet exercise areas, in addition to the existing C-3C, C-ID, and I-1-U uses permitted by 2003-ZON-121.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 488, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 488, 2005 on October 20, 2005. The proposal, sponsored by Councillor Conley, approves an increase of \$280,000 in the 2005 Budget of the Department of Public Works, Operations Division (Sanitation General Fund), to pay for operations and maintenance of the recently constructed and activated flow equalization storage basins at the Belmont and Southport Advanced Wastewater Treatment facilities, financed by fund

balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Mansfield moved, seconded by Councillor Gibson, for adoption. Proposal No. 488, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

4 NOT VOTING: Abdullah, Borst, Bowes, Speedy

1 ABSENT: Conley

Proposal No. 488, 2005 was retitled FISCAL ORDINANCE NO. 133, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Two Hundred Eighty Thousand Dollars (\$280,000) in the Sanitation General Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division to pay for operations and maintenance of the recently constructed and activated flow equalization storage basins at the Belmont and Southport Advanced Wastewater Treatment facilities, financed by fund balance.

SECTION 2. The sum of Two Hundred Eighty Thousand Dollars (\$280,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

OPERATIONS DIVISION

3. Other Services and Charges

TOTAL INCREASE

SANITATION GENERAL FUND

280,000

280,000

SECTION 4. The said additional appropriation is funded by the following reductions:

SANITATION GENERAL FUND

Unappropriated and Unencumbered

Sanitation General Fund

TOTAL REDUCTION

280,000

280,000

SECTION 5. The projected December 31, 2005, fund balance for the Sanitation General Fund is as follows:

Cash Balance July 31, 2005	43,119,828
Estimated revenues 2005	10,852,543
Projected funds available	53,972,371

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2005 Budget remaining	25,184,739
Proposed additional appropriation (this proposal)	280,000
Total Requirements	25,464,739
Estimated Fund Balance December 31, 2005	28,507,631

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 489, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 488, 2005 on October 20, 2005. The proposal, sponsored by Councillor Conley, approves an increase of \$120,000 in the 2005 Budget of the Department of Public Works, Operations Division (Transportation General Fund), to purchase supplies for the remainder of 2005, including anticipated snow and ice removal in November and December, financed by funds reimbursed by FEMA for snow emergencies earlier this year that were deposited into the fund balance. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Mansfield moved, seconded by Councillor Gibson, for adoption. Proposal No. 489, 2005 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Bowes

1 ABSENT: Conley

Proposal No. 489, 2005 was retitled FISCAL ORDINANCE NO. 134, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 134, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Hundred Twenty Thousand Dollars (\$120,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division to purchase supplies for maintenance activities for the remainder of 2005, including anticipated snow and ice removal in November and December, financed by funds reimbursed by FEMA for snow emergencies earlier this year that were deposited into the fund balance.

SECTION 2. The sum of One Hundred Twenty Thousand Dollars (\$120,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
OPERATIONS DIVISION

2. Supplies and Materials
TOTAL INCREASE

TRANSPORTATION GENERAL FUND

120,000
120,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>120,000</u>
TOTAL REDUCTION	120,000

SECTION 5. The projected December 31, 2005, fund balance for the Transportation General Fund is as follows:

Cash Balance July 31, 2005	16,550,623
Estimated revenues 2005	17,495,160
Projected funds available	34,045,783
2005 Budget remaining	27,846,325
Proposed additional appropriation (this proposal)	<u>120,000</u>
Total Requirements	28,126,325
Estimated Fund Balance December 31, 2005	6,079,458

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 490, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 488, 2005 on October 20, 2005. The proposal, sponsored by Councillor Conley, approves an increase of \$1,500,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Stormwater Management Fund), to provide the 25% local share of project costs for the Monon-Broad Ripple portion of the Indianapolis North Flood Damage Protection project, and to fund other priority drainage projects, financed by fund balance. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum said that the stormwater fee rate was reduced in Committee from \$3 to \$2.25 and this proposal was presented at the same meeting as an economic development project before the stormwater fee increase proposal. He said that there are homeowners in his district who have had flooded homes three times in an 18-month period and streets are torn up because of water. He said that he supported the proposal in Committee thinking that the stormwater fee increase would pass at the \$3 rate. He said that he cannot now support economic development projects having priority over projects in his area. He moved, seconded by Councillor McWhirter to return Proposal No. 490, 2005 to Committee for further discussion.

Councillor Bradford said that would speak against returning the proposal to Committee. He said that there were sufficient public meetings and this is the 12th year on this project trying to get the second phase completed. He said that while he appreciates Councillor Cockrum's concerns for his district, they have been waiting a long time to complete this particular project.

The motion to return Proposal No. 490, 2005 to Committee failed on a voice vote majority.

President Talley called for public testimony at 8:04 p.m.

Robert Yahara, citizen, asked Councillors to support Proposal No. 490, 2005 and said that flood issues should be taken very seriously.

Councillor Mahern said that this proposal passed unanimously out of Committee and there does not seem to be any reason not to approve it this evening. He added that drainage issues should be addressed in all areas of the County.

There being no further testimony, Councillor Mansfield moved, seconded by Councillor Gibson, for adoption. Proposal No. 490, 2005 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Schneider, Speedy, Talley*
2 NAYS: *Cockrum, Salisbury*
0 NOT VOTING:
1 ABSENT: *Conley*

Proposal No. 490, 2005 was retitled FISCAL ORDINANCE NO. 135, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Million Five Hundred Thousand Dollars (\$1,500,000) in the Stormwater Management Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Stormwater Management Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division to provide the 25% local share of project costs for the Monon-Broad Ripple portion of the Indianapolis North Flood Damage Protection project, and to fund other priority drainage projects, financed by fund balance.

SECTION 2. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	<u>STORMWATER MANAGEMENT FUND</u>
3. Other Services and Charges	90,000
4. Capital Outlay	<u>1,410,000</u>
TOTAL INCREASE	1,500,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STORMWATER MANAGEMENT FUND</u>
Unappropriated and Unencumbered	
Stormwater Management Fund	<u>1,500,000</u>
TOTAL REDUCTION	1,500,000

SECTION 5. The projected December 31, 2005, fund balance for the Stormwater Management Fund is as follows:

Cash Balance July 31, 2005	10,165,946
Estimated revenues 2005	2,581,768
Projected funds available	12,747,715
2005 Budget remaining	2,379,434
Proposed additional appropriation (this proposal)	<u>1,500,000</u>
Total Requirements	3,879,434
Estimated Fund Balance December 31, 2005	8,868,281

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 517, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 517, 2005 on October 18, 2005. The proposal, sponsored by Councillor Sanders, approves an increase of \$2,322,513 in the Budget of the Information Services Agency (Information Services Internal Service Fund) to make the financing payment for the purchase of equipment and software needed to implement the JUSTICE.NET project, financed by pass through charges to the Clerk of the Marion County Circuit Court, and to implement an Urban Area Security Initiative grant to establish fiber optic infrastructure, improve cyber security and establish voice redundancy, financed by pass through charges via a US Department of Homeland Security grant to the Emergency Management Planning Division of the Department of Public Safety. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:08 p.m. There being no one present to testify, Councillor Sanders moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 517, 2005 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 ABSENT: Conley

Proposal No. 517, 2005 was retitled FISCAL ORDINANCE NO. 136, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 137, 2004) appropriating Two Million Three Hundred Twenty Two Thousand Five Hundred Thirteen Dollars (\$2,022,513) in the Information Services Internal Services Fund for purposes of the Information Services Agency and and reducing the unappropriated and unencumbered balance in the Information Services Internal Services Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (u) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency to make the first financing payment for the purchase of equipment and software needed to implement the JUSTICE.NET project, financed by pass through charges to the Clerk of the Marion County Circuit Court, and to implement an Urban Area Security Initiative grant to establish fiber optic infrastructure, improve cyber security and establish voice redundancy, financed by pass through charges via a US Department of Homeland Security grant to the Emergency Management Planning Division of the Department of Public Safety.

SECTION 2. The sum of Two Million Three Hundred Twenty Two Thousand Five Hundred Thirteen Dollars (\$2,322,513) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

INFORMATION SERVICES AGENCY

3. Other Service and Charges
TOTAL INCREASE

INFORMATION SERVICES
INTERNAL SERVICES FUND

2,322,513
2,322,513

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>INFORMATION SERVICES</u>
	<u>INTERNAL SERVICES FUND</u>
Unappropriated and Unencumbered	
Information Services Internal Services Fund	<u>2,322,513</u>
TOTAL REDUCTION	<u>2,322,513</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 521, 523, 524, and 527-533, 2005 on October 12, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 521, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$60,112 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), for a delinquency prevention program and for purchase of bullet proof vests, financed by grants from the Indiana Criminal Justice Institute and the US Department of Justice. PROPOSAL NO. 523, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$51,841 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grant Fund) to provide advanced training for courtline and city-county building deputies and to provide sheriff deputies with bullet resistant vests. PROPOSAL NO. 524, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$99,045 in the 2005 Budget of the Marion County Clerk's Office (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project of Greater Indianapolis, Inc., financed by a federal grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 527, 2005. The proposal, sponsored by Councillor Franklin, approves an increase of \$36,410 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to provide training and equipment for the firearms section, funded by a grant from the National Institute of Justice. PROPOSAL NO. 528, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$500 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate the Indiana Supreme Court Foreign Language Interpreter Supplemental Grant for interpretive services for cases coming before the court. PROPOSAL NO. 529, 2005. The proposal, sponsored by Councillors Borst and Randolph, approves an increase of \$48,178 in the 2005 Budget of the Marion County Superior Court (State and Federal Grants Fund) to appropriate the Victims of Crime Act Victim Assistance Grant for the provision of Court Appointment Special Advocate representation by Child Advocates. PROPOSAL NO. 530, 2005. The proposal, sponsored by Councillors Borst and Randolph, approves an increase of \$124,351 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate a grant received from the Indiana Criminal Justice Institute for the continuing program of the Marion County Juvenile Drug Treatment Court. PROPOSAL NO. 531, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$40,000 in the 2005 Budget of the Marion Superior Court (Supplemental Adult Probation Fees Fund) to purchase 19 computers for the probation department. PROPOSAL NO. 532, 2005. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$1,000,000 in the 2005 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund), to pay for costs incurred by the Indiana Task Force One to support the following deployments: Hurricane Katrina (August 27-September 5), Hurricane Ophelia (September 10-17), and Hurricane Rita (September 21-27). The Urban Search and Rescue task force was deployed under the Federal Response Emergency Support Function 9 to assist with the potential destruction anticipated for each of these hurricanes, funded by the Federal Emergency Management Agency.

PROPOSAL NO. 533, 2005. The proposal, sponsored by Councillors Moriarty Adams and Randolph, approves an increase of \$4,085 in the 2005 Budget of the Department of Public Safety, Emergency Management Division (Non-Lapsing Federal Grants Fund), to support the Community Emergency Response Team (CERT) training program, funded by a grant from the US Department of Homeland Security. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 8:23 p.m.

Mr. Yahara spoke in support of Proposal Nos. 521, 529 and 530, 2005, which provide assistance for children. He also thanked the Federal Emergency Management Agency (FEMA) and Taks Force One for all their efforts with recent tragedies and stated that he is assured they will be just as generous should the state of Indiana need their assistance.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 521, 523, 524, and 527-533, 2005, 2005 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
1 ABSENT: *Conley*

Proposal No. 521, 2005 was retitled FISCAL ORDINANCE NO. 137, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Sixty Thousand One Hundred Twelve Dollars (\$60,112) in the Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, for a delinquency prevention program and for purchase of bullet proof vests, financed by grants from the Indiana Criminal Justice Institute, and the U.S. Department of Justice.

SECTION 2. The sum of Sixty Thousand One Hundred Twelve Dollars (\$60,112) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

1. Personal Services
2. Supplies and Materials
3. Other Services and Charges
4. Capital Outlay
- TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS

9,000
30,675
18,637
1,800
60,112

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>60,112</u>
TOTAL REDUCTION	60,112

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 523, 2005 was retitled FISCAL ORDINANCE NO. 138, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating Fifty One Thousand Eight Hundred Forty One Dollars (\$51,841) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to provide training for courtline and city-county building deputies and to provide bullet resistant vest for sheriff deputies.

SECTION 2. The sum of Fifty One Thousand Eight Hundred Forty One Dollars (\$51,841) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	22,000
3. Other Service and Charges	<u>29,841</u>
TOTAL INCREASE	51,841

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>51,841</u>
TOTAL REDUCTION	51,841

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 524, 2005 was retitled FISCAL ORDINANCE NO. 139, 2005, and reads as follows:

October 31, 2005

CITY-COUNTY FISCAL ORDINANCE NO. 139, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating Ninety Nine Thousand Forty Five Dollars (\$99,045) in the State and Federal Grants Fund for purposes of the Marion County Clerk's Office and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Clerk's Office to fund the Protective Order Pro Bono Project of Greater Indianapolis, Inc.

SECTION 2. The sum of Ninety Nine Thousand Forty Five Dollars (\$99,045) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CLERK'S OFFICE</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>99,045</u>
TOTAL INCREASE	99,045

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>99,045</u>
TOTAL REDUCTION	99,045

SECTION 5. Local match of \$8,795 will be paid by the Marion County Clerk's Office with existing appropriations within the approved 2005 budget and \$24,220 will be paid by the Pro Bono Project of Greater Indianapolis, Inc.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 527, 2005 was retitled FISCAL ORDINANCE NO. 140, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating Thirty Six Thousand Four Hundred Ten Dollars (\$36,410) in the State and Federal Grant Fund for purposes of the Marion County Forensic Services Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to provide training and equipment for the firearms section, funded by a grant from the National Institute of Justice.

SECTION 2. The sum of Thirty Six Thousand Four Hundred Ten Dollars (\$36,410) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Service and Charges	10,910
4. Capital Outlay	<u>25,500</u>
TOTAL INCREASE	36,410

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>36,410</u>
TOTAL REDUCTION	36,410

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 528, 2005 was retitled FISCAL ORDINANCE NO. 141, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating Five Hundred Dollars (\$500) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to provide interpretive services for cases becoming before the court.

SECTION 2. The sum of Five Hundred Dollars (\$500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>500</u>
TOTAL INCREASE	500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>500</u>
TOTAL REDUCTION	500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 529, 2005 was retitled FISCAL ORDINANCE NO. 142, 2005, and reads as follows:

October 31, 2005

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating Forty Eight Thousand One Hundred Seventy Eight Dollars (\$48,178) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to provide Court Appointment Special Advocate representation by Child Advocates.

SECTION 2. The sum of Forty Eight Thousand One Hundred Seventy Eight Dollars (\$48,178) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Service and Charges	<u>48,178</u>
TOTAL INCREASE	48,178

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>48,178</u>
TOTAL REDUCTION	48,178

SECTION 5. The matching funds of \$12,045 will be paid by Child Advocates.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 530, 2005 was retitled FISCAL ORDINANCE NO. 143, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating One Hundred Twenty Four Thousand Three Hundred Fifty One Dollars (\$124,351) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to continue the Juvenile Drug Treatment Court.

SECTION 2. The sum of One Hundred Twenty Four Thousand Three Hundred Fifty One Dollars (\$124,351) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	89,351
2. Supplies	5,000
3. Other Services and Charges	<u>30,000</u>
TOTAL INCREASE	124,351

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>124,351</u>
TOTAL REDUCTION	124,351

SECTION 5. The matching funds of \$41,560 will be paid by the Marion County Superior Court with existing appropriations within the approved 2005 budget.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 531, 2005 was retitled FISCAL ORDINANCE NO. 144, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating Forty Thousand Dollars (\$40,000) in the Supplemental Adult Probation Fees Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fees Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to purchase computers for the probation department.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
4. Capital Outlay	<u>40,000</u>
TOTAL INCREASE	40,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Supplemental Adult Probation Fees Fund	<u>40,000</u>
TOTAL REDUCTION	40,000

SECTION 5. The projected December 31, 2005, fund balance for the Supplemental Adult Probation Fees Fund is as follows:

Current cash balance 08-31-05	1,458,254
Anticipated additional revenue through December 31, 2005	<u>1,116,660</u>
Projected funds available	2,574,914

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Remaining appropriations and encumbrances	1,375,876
Proposed additional appropriation	<u>40,000</u>
Funds required	1,415,876
 Projected fund balance December 31, 2005	 1,159,038

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 532, 2005 was retitled FISCAL ORDINANCE NO. 145, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Million Dollars (\$1,000,000) in the Federal Grants Funds for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to pay for costs incurred by the Indiana Task Force One to support the following deployments: Hurricane Katrina, Hurricane Ophelia, and Hurricane Rita in 2005.

SECTION 2. The sum of One Million Dollars (\$1,000,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

	<u>FEDERAL GRANTS FUND</u>
2. Supplies and Materials	9,000
3. Other Services and Charges	985,800
4. Capital Outlay	5,000
5. Internal Services	<u>200</u>
TOTAL INCREASE	1,000,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>1,000,000</u>
TOTAL REDUCTION	1,000,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 533, 2005 was retitled FISCAL ORDINANCE NO. 146, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Four Thousand Eighty Five Dollars (\$4,085) in the Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management and Planning Division to support the Community Emergency Response Team (CERT) training program, funded by a grant from the US Department of Homeland Security.

SECTION 2. The sum of Four Thousand Eighty Five Dollars (\$4,085) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIV</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Materials and Supplies	1,054
3. Other Services and Charges	999
4. Capital Outlay	<u>2,032</u>
TOTAL INCREASE	4,085

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>4,085</u>
TOTAL REDUCTION	4,085

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Talley recognized his pastor and Reverend Pollard from Atlanta, Georgia, whom he failed to recognize earlier.

PROPOSAL NO. 536, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 536, 2005 on October 20, 2005. The proposal, sponsored by Councillor Conley, approves an increase of \$144,300 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund), to make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:27 p.m. There being no one present to testify, Councillor Mansfield moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 536, 2005 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 ABSENT: Conley

Proposal No. 536, 2005 was retitled FISCAL ORDINANCE NO. 147, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 147, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Hundred Forty-four Thousand Three Hundred Dollars (\$144,300) in the Non-lapsing Federal Grants Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Non-lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency.

SECTION 2. The sum of One Hundred Forty-four Thousand Three Hundred Dollars (\$144,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

4. Capital Outlay

TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS FUND

144,300

144,300

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered

Non-lapsing Federal Grants Fund

TOTAL REDUCTION

144,300

144,300

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 253, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 253, 2005 on June 2 and 23, 2005 and on October 20, 2005. The proposal, sponsored by Councillors Cockrum, Conley, Gray, Day, Keller, Pfisterer, Salisbury, Randolph, Nytes, McWhirter, Mahern and Mansfield, increases the stormwater user fee. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum moved, seconded by Councillor Salisbury, to amend the proposal to restore the fee to \$3 instead of the \$2.25 fee amendment in committee.

Councillor Moriarty Adams spoke against the amendment, and said that \$1 increase would be less of a financial impact to business partners around the City than the \$1.75 increase proposed in the original proposal.

Councillor Pfisterer asked Jim Garrard, director of the Department of Public Works (DPW), if the \$2.25 rate will achieve the purpose intended. Mr. Garrard said that a \$2.25 rate will achieve funding of \$35 million worth of work over the next three years, which is a significant investment in drainage infrastructure. This also reserves another \$5.7 million beyond that for pay-as-you-go work. He said that \$2.25 would fund a good chunk of the work, and the department felt that doubling the current fee in one shot might be too big a hit for some businesses.

President Talley said that he was just informed by the Parliamentarian that the amendment on the floor is out of order because it has not been submitted in writing.

Councillor McWhirter asked if in three years the rate would then be raised again. Mr. Garrard answered that the fees will have to be looked at again to accomplish all the City needs to accomplish. Whether that is in three years or not will be weighed as projects progress. Councillor McWhirter asked if the \$3 fee that was originally proposed could be used to fund all outstanding projects that have been waiting for funding. Mr. Garrard said that the full capacity of the bond amount could certainly be spent in three years, but the question is whether or not realistically all that work could get done within three years. He is not sure it could. He said that he believes the \$2.25 is a more reasonable amount at this time.

Councillor Borst asked if the \$1 increase raises \$35 million. Mr. Garrard said that at the current rate of \$1.25, the City is raising approximately \$9.5 million per year. Raising that amount to \$2.25 and assuming new growth, would take that revenue to approximately \$20 million annually. The \$35 million figure comes as a part of the bond financing, as those revenues are committed to bonds. Councillor Borst asked if they are going to then bond approximately \$15 million to raise the \$35 million needed for these three years' worth of projects. Mr. Garrard said that he believes it is \$18 million that will be bonded.

Councillor Cockrum stated that it will still take 17 years to do all the work, even at a rate of \$3. He said that at the \$2.25 rate, it will take 27 years to accomplish these projects, and therefore the City is not really addressing the issue. He moved, seconded by Councillor Salisbury, to return the proposal to Committee for further consideration since his motion to amend was ruled out of order.

Councillor Plowman asked if there is any guarantee that this money will be used for the specific projects and intended purpose. Mr. Garrard said that the money will be used for the work that needs to be done, and there is no plan to do anything else with this money. He added that legally,

he is not sure anything else could be done with this money. President Talley added that if it were to be used for anything else, it would have to come back through the Council for re-appropriation.

Councillor Keller asked why the proposal cannot be amended with a simple amount change, as it is only noted in one area. President Talley said that the Parliamentarian has informed him that the Rules of the Council would have to be suspended and a further publication would be required.

Councillor Gray called for the question, seconded by Councillor Gibson. The motion to return the proposal to Committee failed by lack of majority.

Councillor Mansfield moved, seconded by Councillor Sanders, for adoption. Proposal No. 253, 2005 was adopted on the following roll call vote; viz:

25 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Speedy, Talley
3 NAYS: Cain, Salisbury, Schneider
1 ABSENT: Conley

Councillor Gibson said that the vote clearly shows that there is bi-partisan support to clean up the City's waterways.

Councillor Bradford agreed and said that there will be opportunities to bring these issues back for further consideration in the future. He said that the public for the most part supported the \$3 rate, but he agrees that it is better to do it in steps over a period of time.

Councillor Mahern said that there was ample discussion on this matter in Committee, and he believes a step increase over time would be accepted by most members.

Councillor Salisbury said that no one is against cleaner water, but he still has major concerns about sidewalks on the west side, and children are having accidents walking in the street to and from school. He said that his vote is a reminder to DPW to stop ignoring other issues that are just as critical, if not moreso.

Proposal No. 253, 2005 was retitled GENERAL ORDINANCE NO. 101, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 2005

A PROPOSAL FOR A GENERAL ORDINANCE amending Sec. 131-421 increasing the stormwater user fee.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 131-421 of the Revised Code of the Consolidated City and County, be, and is hereby amended, by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 131-421. Stormwater user fee.

(a) There is hereby imposed a stormwater user fee of ~~one dollar and twenty-five cents (\$1.25) per ERU~~, payable to the department upon each lot or parcel of land within the Marion County Stormwater Management District which lot or parcel directly or indirectly contributes to the stormwater system of the district. The stormwater user fee for nonresidential property shall be based on the quantity of impervious

area located on the lot or parcel and shall be paid by the owner of the property. The stormwater user fee shall be charged within ninety (90) days after the date on which this division takes effect.

(b) The stormwater user fee shall be one dollar and twenty-five cents (\$1.25) per equivalent residential unit ("ERU") until December 31, 2005, and two dollars and twenty-five cents (\$2.25) per ERU, beginning January 1, 2006

~~(b)~~ (c) The stormwater user fee provided for in this division is to be collected from properties whose stormwater directly or indirectly contributes to the stormwater system of the district. If a property is situated so that all of the stormwater or some of the stormwater from the property does not contribute to the stormwater system of the district, the property shall be exempt or partially exempt from the stormwater user fee. The situations listed below warrant an exemption or partial exemption. This list is not intended to be all-inclusive and other exemptions or partial exemptions may be granted by the department in response to a fee adjustment review pursuant to section 676-304.

- (1) Where stormwater from a property is captured, used up in a process and never returned to the stormwater system of the district;
- (2) Where stormwater from a property flows directly outside of the district and never flows back into the stormwater system of the district;
- (3) Where stormwater from a property is collected, treated and legally discharged into a publicly owned wastewater treatment facility.

~~(c)~~ (d) The partial exemption provided for in this subsection (c) applies only to "retail or service commercial uses - individual freestanding uses" and "retail or service commercial uses - integrated centers" as defined in the Commercial Zoning Ordinance of Marion County, as amended and adopted August 2, 1993 and ratified August 10, 1993, reprinted with amendments July 1997 (the "current commercial zoning ordinance"). The stormwater user fee provided for in this division is based on the quantity of impervious area located on a property. Commercial zoning ordinances, through a minimum parking space requirement, require a certain quantity of impervious area on a property. If a retail facility subject to this subsection was required by the existing commercial zoning ordinance when constructed to have a greater number of minimum parking spaces than the facility would be required to have under the current commercial zoning ordinance, the impervious area attributable to parking spaces shall be calculated based on the minimum parking spaces the facility would be required to have under the current commercial zoning ordinance. The partial exemption provided for in this subsection shall be granted by the department in response to a fee adjustment review pursuant to section 676-304.

SECTION 2. Sec. 135-641 of the "Revised Code of the Consolidated City and County," regarding Stormwater management fund, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 135-641. Stormwater management fund.

(a) Effective in fiscal year 2001, there is hereby created a special fund to be designated as the stormwater management fund.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year. No such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any uses other than for the purposes of the Marion County Stormwater Management District.

(c) The fund shall include stormwater user fees imposed under this article and any other authorized revenues including those authorized by IC 8-1.5-5.

(d) Moneys from this special fund shall be appropriated in accordance with the procedures for the expenditure of public funds.

~~(e) If, at the end of any calendar year, there exists in the fund an unencumbered balance exceeding two hundred fifty thousand dollars (\$250,000.00), on or by June 30th of the following year the board by resolution shall authorize such excess to be paid to accelerate retirement of the bond debt supported by the flood debt service property tax rate.~~

SECTION 3. Removal of Flood Control Property Tax Assessment.

(a) The portion of the Marion County property tax allocated to the Flood Control General fund two and four-tenths cents (\$0.024) per one hundred dollars (\$100.00) of assessed valuation) shall be deleted

and not assessed effective January 1, 2002 or the date the storm water user fee begins to be charged, whichever is later. Property taxes assessed in 2001 and due in 2002 shall continue to be due in 2002.

(b) Upon collection of the fee described in Section 131-421, the city controller shall deposit the proceeds from the fee into the storm water management fund in accordance with any resolution or resolutions governing the issuance and payment of bonds, notes or other obligations issued by or on behalf of the district pursuant to IC 8-1.5-5. Such resolution or resolutions shall provide for the fee described in Section 131-421 to be used on a subordinate basis to pay debt service on any outstanding Flood Control District Bonds. To the extent the fee described in Section 131-421 is insufficient to pay debt service on the outstanding Flood Control District Bonds in any year, property taxes shall be levied in accordance with the provisions of such Flood Control District Bonds and Indiana law to satisfy such obligation. If no bonds, notes or other obligations of the district or the Flood Control District are outstanding, the fee described in Section 131-421 shall be deposited by the city controller in the storm water management fund and shall be used in accordance with IC 8-1.5-5.

(c) The excluded town of Speedway and the town of Cumberland have elected not to be a part of the Marion County Storm Water Management District because they previously have created or concurrently are creating storm water management districts pursuant to Indiana Code 8-1.5. Subsection 131-425(e) provides for a payment to the Speedway and Cumberland storm water management districts of an amount equivalent to the total amount of annual property tax paid and allocated to the Flood Debt Service Fund from all property taxpayers within the geographic boundaries of the excluded town of Speedway and the town of Cumberland. This payment shall be effective for the taxes assessed beginning January 1, 2002 or the date the Marion County Storm Water Management District storm water user fee begins to be charged, whichever is later.

SECTION 4. Noncode SECTION 8 of G.O. No. 43, 2001, hereby is REPEALED.

SECTION 25. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal Nos. 491 and 538-540, 2005 on October 20, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 491, 2005. The proposal, sponsored by Councillor Cain, authorizes multi-way stops at the intersection of Clearvista Drive and on Clearvista Parkway and Clearvista Way (District 5). PROPOSAL NO. 538, 2005. The proposal, sponsored by Councillor Randolph, authorizes intersection controls for the Brookfield Village Subdivision (District 1). PROPOSAL NO. 539, 2005. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for the Hidden Lakes Subdivision, Section 1 (District 21). PROPOSAL NO. 540, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Wildcat Run Subdivision, Section 16 (District 25). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Mansfield moved, seconded by Councillor Cain, for adoption. Proposal Nos. 491 and 538-540, 2005 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Conley*

Proposal No. 491, 2005 was retitled GENERAL ORDINANCE NO. 102, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6	Clearvista Dr 7250 E. Clearvista Dr	None	All Way Stop
6	Clearvista Pkwy Clearvista Way	None	All Way Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 538 2005 was retitled GENERAL ORDINANCE NO. 103, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Brookmeadow Blvd Brookmeadow Dr	Brookmeadow Dr	Stop
9	Brookmeadow Blvd 56 th St	56 th St	Stop
9	Ensley Ct Riverbrook Ln	Ensley Ct	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 539 2005 was retitled GENERAL ORDINANCE NO. 104, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Bear Hollow Dr Deer Valley Dr	Bear Hollow Dr	Stop

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28	Bear Hollow Dr German Church Rd	German Church Rd	Stop
28	Bear Hollow Dr Bear Hollow Way Woodland Trail Dr	None	All Way Stop
28	Clearspring Way Woodland Trail Dr	Clearspring Way	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 540 2005 was retitled GENERAL ORDINANCE NO. 105, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Choctaw Ridge Way Wildcat Run Ln	Wildcat Run Ln	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 495, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 495, 2005 on September 20, October 11, and October 19, 2005. The proposal, sponsored by Councillor Cain, amends the Code and adds a new section in Chapter 451 to restrict the possession and discharge of weapons on reservoirs or property of the Board of Waterworks. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Keller said that with houses and children in the area, this proposal seems to simply make sense.

Councillor Gray asked what people will do about the overpopulation of geese. Councillor Cain said that the proposal provides the Indianapolis Waterworks Board to make an exception to have a controlled hunt. She added that there are other ways to handle that problem without shooting the animals.

Councillor Mansfield said that it was alarming for her to find that there are other heavily populated areas that have grown over the years where hunting is still legal. She said that this issue needs to be looked at County-wide.

Councillor Boyd moved, seconded by Councillor Cain, for adoption. Proposal No. 495, 2005 was adopted on the following roll call vote; viz:

27 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy

0 NAYS:

1 NOT VOTING: Talley

1 ABSENT: Conley

Proposal No. 495, 2005 was retitled GENERAL ORDINANCE NO. 106, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2005

A proposal for a GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County and adding a new section in Chapter 451 to restrict the possession and discharge of weapons on reservoirs or property of the Board of Waterworks.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 451 of the Revised Code of the Consolidated City and County be, and is hereby, amended by adding a new section to read as follows:

Sec. 451-3. Possession and discharge of weapons on property of the Department of Waterworks.

It shall be unlawful for any person, unless authorized by resolution of the board of directors of the Department of Waterworks, to discharge any firearms or have possession of any firearms or other explosive devices, or to endanger others by the use of any weapon, article or device, along or upon any reservoir or property owned, controlled or leased by the department of waterworks located in Marion County. Traditional fireworks celebrations and similar activities approved by the board of directors are not prohibited by this section.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 522, 525, and 526, 2005 on October 12, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 522, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$1,708 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to assist with salaries for two crime prevention deputies, which planned expenditure will deplete Block Grant 8 received from the Department of Justice. PROPOSAL NO. 525, 2005. The proposal, sponsored by Councillor Franklin, approves a transfer of \$10,000 in the 2005 Budget of the Marion County Forensic Services Agency (County General Fund) to pay for repair to a van damaged in an accident where the at-fault driver did not have insurance. PROPOSAL NO. 526, 2005. The proposal, sponsored by Councillor Franklin, approves a transfer of \$8,127 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to transfer funds from supplies to contractual services and equipment for the DNA Enhancement project associated with a grant the Indiana State Police received from the National Institute of Justice. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Franklin, for adoption. Proposal Nos. 522, 525, and 526, 2005 were adopted on the following roll call vote; viz:

October 31, 2005

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Conley*

Proposal No. 522, 2005 was retitled FISCAL ORDINANCE NO. 148, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating One Thousand Seven Hundred Eight Dollars (\$1,708) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to assist with salaries for crime prevention deputies.

SECTION 2. The sum of One Thousand Seven Hundred Eight Dollars (\$1,708) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>1,708</u>
TOTAL INCREASE	1,708

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	694
3. Other Services and Charges	934
4. Capital Outlay	<u>80</u>
TOTAL REDUCTION	1,708

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 525, 2005 was retitled FISCAL ORDINANCE NO. 149, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 149, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating Ten Thousand Dollars (\$10,000) in the Marion County General Fund for purposes of the Marion County Forensic Services Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to transfer funds between characters to pay for repair to a van damaged in an accident where the at-fault driver did not have insurance.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Service and Charges	<u>10,000</u>
TOTAL INCREASE	10,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>10,000</u>
TOTAL DECREASE	10,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 526, 2005 was retitled FISCAL ORDINANCE NO. 150, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 150, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating Eight Thousand One Hundred Twenty Seven Dollars (\$8,127) in the State and Federal Grant Fund for purposes of the Marion County Forensic Services Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to transfer funds from supplies to contractual services and equipment for the DNA Enhancement project associated with a grant the Indiana State Police received from the National Institute of Justice.

SECTION 2. The sum of Eight Thousand One Hundred Twenty Seven Dollars (\$8,127) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Service and Charges	4,999
4. Capital Outlay	<u>3,128</u>
TOTAL INCREASE	8,127

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>8,127</u>
TOTAL DECREASE	8,127

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 516, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 516, 2005 on October 18, 2005. The proposal, sponsored by

Councillors Sanders and McWhirter, approves a transfer of \$63,563 in the 2005 Budget of Voters Registration (County General Fund) to pay unexpected shortfalls in personal services and capital outlays, financed by a transfer between characters. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Gibson, for adoption. Proposal No. 516, 2005 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 NOT VOTING: *Randolph*

1 ABSENT: *Conley*

Proposal No. 516, 2005 was retitled FISCAL ORDINANCE NO. 151, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 151, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 137, 2004) transferring and appropriating an additional Sixty Three Thousand Five Hundred Sixty Three Dollars (\$63,563) in the County General Fund for purposes of the Board of Voter Registration and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (h) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Board of Voter Registration to fund unexpected shortfalls in personal services and capital outlays.

SECTION 2. The sum of Sixty Three Thousand Five Hundred Sixty Three Dollars (\$63,563) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>VOTERS REGISTRATION</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	49,163
4. Capital Outlay	14,400
TOTAL INCREASE	63,563

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>VOTERS REGISTRATION</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	3,058
3. Other Services and Charges	60,505
TOTAL DECREASE	63,563

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 535, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 535, 2005 on October 20, 2005. The proposal, sponsored by Councillors Conley, Keller, Mansfield and Moriarty Adams, amends the Code with regards to sewer rates and charges to better describe the permitting process and provide recovery of fees which will support the operation, maintenance and improvement of the sanitary sewer collection system and advanced wastewater treatment plants. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams moved, seconded by Councillor Gibson, to amend Proposal No. 535, 2005 as per a three-page handout provided to each Councillor. These amendments delineate the different types of fees and include the connection fee language, along with the schedule of rate increases in each phase and changes fee language to differentiate between types of fees. Proposal No. 535, 2005 was amended by a unanimous voice vote.

Councillor Borst thanked Mr. Garrard for the information broken down for each Councillor and the bi-partisan way they have taken on this task. He asked how many homes a year they predict they can transfer per year with these fees. Mr. Garrard said that the plan is to convert 900 homes a year, but this also applies to new development and growth, and not just present septic owners. Councillor Borst asked about the \$75 million shortfall between bonds and total project costs. Buzz Crone, financial officer for DPW, stated that some bonds have been issued through the State Revolving Loans program and this will make up the shortfall. He said that it will be broken down into different pieces with a series of bond issuances to make sure the revenue will come in to pay off those bonds. Councillor Borst asked how many are paying on the Barrett Law program right now who will be relieved of that payment. Mr. Garrard said that there are approximately 400.

Councillor Schneider said that he appreciates Mr. Garrard and DPW and all their efforts, but he feels uncomfortable with supporting this proposal because of the practice of shifting funds from this area to pay for other things. He said that he cannot support shifting the burden of poor decisions made in the past onto the ratepayers.

Councillor Mahern said that even with this increase, Indianapolis still has much lower rates than the surrounding counties and even excluded cities. He said that these projects have been prioritized, and these monies will not be diverted to other areas. He said that this is a public health and quality of life issue.

Councillor Mansfield moved, seconded by Councillor Gibson, for adoption. Proposal No. 535, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Speedy, Talley
3 NAYS: Cain, Salisbury, Schneider
1 NOT VOTING: Randolph
1 ABSENT: Conley

Proposal No. 535, 2005 was retitled GENERAL ORDINANCE NO. 107, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend Article IV, Division 1 of Chapter 671 of the "Revised Code of the Consolidated City and County" regarding sewer rates and charges.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 671-2 of the "Revised Code of the Consolidated City and County," regarding the definitions used throughout the chapter, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-2. Definitions.

As used in this chapter the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

ASTM shall mean the American Society for Testing and Materials.

Accidental discharge shall mean an unintentional release of a material that could potentially violate the requirements of subsection 671-4(c), (d) or (e).

Act shall mean the Federal Water Pollution Control Act, as amended as of January 1, 1995, 33 USC 1251 et seq., also known as the Clean Water Act or CWA.

Administrative fee shall mean a fee assessed to all parcels that require a new or modified sewer service agreement with the city.

Administrator shall mean the Regional Administrator of Region V, U.S. Environmental Protection Agency or Commissioner of the Indiana Department of Environmental Management or its successor, provided such state agency has a pretreatment program approved by the EPA.

Applicable pretreatment standard shall mean, for any specified pollutant, the city's prohibitive discharge standards, the city's specific limitations on discharges, the State of Indiana pretreatment standards, or the federal general or categorical pretreatment standards (when effective), whichever standard is most stringent.

Approval authority shall mean the administrator.

Authorized representative of industrial user shall be:

- (1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:
 - a. A president, vice-president, treasurer or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. A manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- (3) For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- (4) An individual duly authorized by the person designated in subsection (1), (2) or (3) above, provided:
 - a. The authorization is made in writing by the individual described in subsection (1), (2) or (3) above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the city.

Board shall mean the board of public works.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (one and one-half (1.5) meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which apply to a specific category of industrial user.

~~*City* shall mean the consolidated City of Indianapolis, Indiana.~~

City sewer shall mean a sewer owned and operated by the city.

Combined sewer shall mean a sewer which has been designed or intended to receiving receive both surface runoff and sewage.

Composite sample shall mean a twenty-four-hour composite sample. Samples may be done either manually or automatically, and continuously or discretely, with not less than twelve (12) samples to be composited.

Connection fee shall mean an assessment to compensate the city for all the costs of capacity for the city's sewer system including the entire combined sewer system and its treatment facilities.

Cooling water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

Council shall mean the City-County Council of Indianapolis, Marion County, Indiana.

Department shall mean Department of Public Works, City of Indianapolis.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to the surface waters of the State of Indiana.

Director shall mean the director of the department of public works or his/her authorized deputy, agent or representative.

Division of compliance shall mean the division of compliance of the department of metropolitan development.

Discharge report shall mean any report required of an industrial user by section B.2. of the industrial discharge permit.

Domestic wastewater shall mean wastewater of the type commonly introduced into a POTW by residential users.

EDU's shall mean equivalent dwelling unit, and shall be determined in accordance with industry standards reflecting the greater of the actual daily flow requirements (per 327 IAC 3) the area ratio of the water meter size serving a particular user, or such means of determination deemed appropriate by the Director. One (1) EDU shall be estimated as equal to 310 gallons per day.

EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Foundation drains shall mean any network of pipes, pumps or drainage mechanism located at, near or under a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 CFR Part 403.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Heat pump discharge shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

Indirect discharge shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC § 1317) into the POTW (including holding tank waste discharged into the system).

Industrial surveillance section shall mean the industrial surveillance section of the department of public works.

Industrial user shall mean any user of the POTW who discharges, causes or permits the discharge of nondomestic wastewater into the POTW.

Industrial wastewater shall mean a combination of liquid and water-carried waste discharged from any industrial user's establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

Infiltration shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, connections and manholes or from drainage pipes constructed to remove groundwater from areas such as building foundations and farm fields.

Inflow shall mean the stormwater and surface water entering directly into sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins or stormwater inlets.

Interference shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lift station shall mean any arrangement of pumps, valves and controls that lifts wastewater to a higher elevation.

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium $\text{NH}_4^+ \rightleftharpoons \text{NH}_3 + \text{H}^+$.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:

- (1) Begun or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nonindustrial user shall mean all users of the POTW not included in the definition of "industrial user."

Pass-through shall mean a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)

Person shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency including, but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof, or any other legal entity or any combination of such.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant shall mean, but is not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW shall mean all publicly owned facilities for collecting, pumping, treating and disposing of wastewater, including sewers, lift stations, manhole stations and the wastewater treatment plants.

Pretreatment or *treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

Pretreatment standard or *regulation* shall mean any substantive or procedural requirement related to pretreatment contained in this chapter.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow

conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (one and twenty-seven one-hundredths (1.27) centimeters) in any dimension.

Public sewer shall mean any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and which is controlled by public authority.

Radioactive material means any material (solid, liquid or gas) which spontaneously emits ionizing radiation and which is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana State Board of Health. This may include naturally occurring radioactive material, by-product material, accelerator produced material, source material or special nuclear material.

Sanitary district shall mean that area incorporated into the Marion County liquid waste sanitary district.

Sanitary sewer shall mean a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage normally discharged by a residence shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month, and thirty-five (35) pounds of suspended solids per month.

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer work shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

Shall is mandatory; *may* is permissive.

Significant industrial user (SIU) shall mean any industrial user which is:

- (1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
- (2) A noncategorical facility with a process wastewater discharge greater than an average of twenty-five thousand (25,000) gallons per day;
- (3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal or for violating any pretreatment standard or requirement; or
- (4) Any other industrial user deemed to be significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
- (5) Any other industrial user which contributes process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the POTW treatment plant.

Upon a finding that an industrial user meeting the criteria of paragraphs (2), (3), (4) and (5) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Slug shall mean any discharge of wastewater which, in concentrations of any given constituent, as measured by a grab sample, exceeds more than five (5) times the allowable discharge limits as specified in this chapter and/or in quantity of flow exceeds more than five (5) times the user's average flow rate as authorized in the user's industrial discharge permit, for a period of duration longer than fifteen (15) minutes.

~~*State* shall mean the State of Indiana.~~

Storm drain or *storm sewer* shall mean a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids (SS) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA §§ 307(a) or 405(d) or other Acts.

Upset shall mean an exceptional incident in an industrial user's facility, in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

Wastewater shall mean a combination of the liquid and water-carried pollutants from residences, commercial businesses, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.

Wastewater works shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Abbreviations. The following abbreviations shall have the designated meanings:

BOD or *BOD5*: Biochemical oxygen demand

CFR: Code of Federal Regulations (July 1, 1994 edition)

COD: Chemical oxygen demand

CWA: Clean Water Act

~~*EPA*: United States Environmental Protection Agency~~

G.O.: General Ordinance

IC: Indiana Code

IAC: Indiana Administrative Code (as amended as of December 1, 1994)

IDEM: Indiana Department of Environmental Management

ISBH: Indiana State Board of Health

l: Liter

mg: Milligrams

mg/l: Milligrams per liter

NPDES: National Pollutant Discharge Elimination System

~~*POTW*: Publicly owned treatment works~~

SIC: Standard industrial classification

SS: Suspended solids

SWDA: Solid Waste Disposal Act, 42 USC § 6901 et seq.

TSS: Total suspended solids

40 CFR 136: "Guidelines Establishing Test Procedures for the Analyses of Pollutants"

SECTION 2. Section 671-22 of the "Revised Code of the Consolidated City and County," regarding sewer connection permits, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 671-22. Connection permits.

(a) *Permit required.* It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within the sanitary district without a valid sanitary sewer connection permit issued by the division of compliance, and the fine imposed for a violation of this provision shall not be less than one hundred dollars (\$100.00) for each day the violation continues; the city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the division of compliance. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with section 671-161 of this chapter. This shall in no way limit the issuance of a building permit subject to the approval of a sanitary sewer connection permit application.

(b) *Minimum elevations for gravity connection.* A sanitary sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) *Grease interceptors.* A grease interceptor meeting the requirements of the Indiana Fire Prevention and Building Safety Commission shall be installed in waste lines (building sewers) from establishments delineated in section 671-4(g). The design and location of the grease interceptor shall be submitted to the division of compliance for approval.

(d) *Permit fee fees; refunds.* ~~A fee per connection to the sewer shall be charged for a sanitary sewer connection permit. The following permits and payment of the associated fees are required to make a connection to the city's sanitary or combined sewer system.~~ The board of public works shall establish the amount of ~~such~~ the following ~~fee~~ fees by regulation and may revise the amount of such ~~fee~~ fees but not more often than once each calendar year.:

- (1) ~~The fee building sewer permit inspection fee shall cover the costs of mandatory inspection by the division of compliance of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction.;~~
- (2) The plan review fees shall cover the costs for the amount of time that is required for the division of compliance to administer and review plans submitted under this article for conformance with the department's standards and specifications .
- (3) The administrative fee shall cover the department's costs related to administration, planning, and review for the sewer service agreement; and
- (4) The connection fee of two thousand, five hundred dollars (\$2,500) per EDU will be assessed for all new connections to the sanitary or combined sewer system at the time of acquiring a building permit. A new connection would include new sewer service or modification of an existing sewer service agreement; however, replacement or repair of an existing individual building sewer that does not increase EDU's would not constitute a new connection.

The permit fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(e) *Modification of ~~permit~~ connection fee.* The board of public works may modify the connection fee for connection permits under a public improvement resolution or in the exercise of the department's general powers and duties to construct city sewers by regulation as provided in subsection (d) of this section.

(f) *Applications.* An application for such connection permit shall be made on a form prescribed by the division of compliance and may require the following information:

- (1) Name and address of the owner.
- (2) The name, address and telephone number of the contractor.
- (3) Address and, if necessary, the legal description of the premises where the work is to be done.
- (4) Plans for the building sewer and connections, which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, including grease interceptor connection detail where applicable, materials of construction and installation method.
- (5) Any other information as may be deemed reasonable and necessary by the administrator of the division of compliance to carry out the provisions of this chapter.

(g) *Who may apply.*

- (1) Application for a sewer connection permit shall only be made by the following:
 - a. A plumbing contractor licensed by the state and registered in accordance with Chapter 875 of this Code.
 - b. A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of the department of metropolitan development. Surety bond requirements are met if the building sewer contractor has filed and maintains with the city a surety bond, as set forth in Chapter 875 of this Code. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Chapter 875 of this Code.
- (2) The division of compliance may deny permits to any applicant who is currently in violation of this chapter or any other applicable regulations.

(h) *Conformance with Indiana Fire Prevention and Building Safety Regulations.* All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules and regulations of the Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.

(i) *Expiration of permit by operation of law; extensions.* The connection permit shall expire by operation of law and shall no longer be of any force or effect if work is not initiated within one hundred eighty (180) days from the date of issuance of the permit. The administrator of the division of compliance may, however, for good cause shown in writing, extend the duration of the permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity. The fee for an extension under this subsection shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.

(j) *Provisions of chapter supplemental to other construction ordinances.* This chapter shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.

(k) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (g)(1)b. as follows:

- (1) The corporation counsel of the city may initiate proceedings to forfeit a bond:
 - a. As a penalty for repeated Code violations by a contractor, his agents or employees; or
 - b. To indemnify the city against any loss, damage or expense sustained by the city by reason of the conduct of the contractor, his agents or employees.
- (2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor has been given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.

(l) *Variance procedure.* The administrator of the division of compliance, after consultation with the engineering division of the department of public works, shall have the power to modify or waive any minimum sanitary sewer design standard found in this article or in any regulations promulgated by the board pursuant to section 671-15 of this Code, which pertain to permits issued under this article. The administrator may grant such a variance if an applicant for a construction permit submits the request in writing and makes a substantial showing that:

- (1) A minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
- (2) An alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

If the administrator fails to respond within twenty (20) days from receipt of a written request for modification or waiver, such request shall be deemed to be denied. An applicant may appeal to the board a decision of the division of compliance which denies or partially denies a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days following the date of the decision. The board shall hear the request for the variance de novo, and in making a decision shall apply the standards set forth above.

(m) *Exemption relative to work accomplished by or for certain governmental units.* Permits as required by this section shall be obtained for sewer connection activity in the city accomplished by or for a governmental unit, and inspections relative to such sewer connection activity shall be allowed. Fees shall be required as specified by the board of public works, except for the following:

- (1) Sewer connection activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Sewer connection activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(n) *Notice of change in permit information.* After a permit has been issued, the permittee shall give prompt written notice to the division of compliance of any addition to or change in the information contained in the permit application.

(o) *Amendment of permits and plans.* After a permit has been issued, any material deviation or change in the information contained in the permit application or the plans shall be considered an amendment subject to approval by the administrator of the division of compliance. Prior to the time construction activity involving the change occurs, the permittee shall file with the division of compliance a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans. The division of compliance shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. The fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(p) *Transfer of permit.* A sanitary sewer connection permit may be transferred with the approval of the administrator of the division of compliance to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and
 - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.
- (2) The transferee shall:
 - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
 - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and
 - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor, and shall be subject to any written orders issued by the administrator of the division of compliance. A permit for construction activity at a specified location may not be transferred to construction activity at another location.

(q) *Revocation of permits.* The division of compliance may revoke a permit when:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or
- (2) The application, plans or supporting documents reflect a lack of compliance with the requirements of this article.

The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(r) *Stop-work order.* The administrator of the division of compliance is empowered to issue an order requiring the suspension of the pertinent construction activity ("stop-work order") whenever the administrator determines that:

- (1) Construction activity is proceeding in an unsafe manner;
- (2) Construction activity is proceeding in violation of a requirement of this article;
- (3) Construction activity is proceeding in a manner which is materially different from the application, plans, or supporting documents; or
- (4) Construction activity for which a sanitary sewer connection permit is required is proceeding without such a permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is issued.

The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed. The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 3. Section 671-102 of the "Revised Code of the Consolidated City and County," regarding the basis of sewer user charges and how such charges are calculated, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 671-102. Basis for charge; how calculated.

- (a) *Established.* The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_T = V_{u1} + V_{u2} + \dots + V_{un}$$

$$V_c = \frac{C_T - C_I - C_r - C_u - C_E - I}{V_T} + \frac{0.25(C_I + C_r + C_u)}{V_T}$$

$$C_c = \frac{0.75(C_I + C_r + C_u)}{T_c} \div 12$$

Nonindustrial user:

$$R = V_u(V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where

- C_c = Availability of service charge per month.
- C_T = Total operation and maintenance cost per a unit of time.
- C_I = Operation and maintenance cost to transport and treat infiltration per a unit of time.
- C_r = Operation and maintenance cost to transport and treat inflow per a unit of time.
- C_u = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
- C_E = Operation and maintenance cost to treat wastes in excess of base level strength.
- V_c = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
- B_c = Operation and maintenance cost to treat a unit of BOD.
- S_c = Operation and maintenance cost to treat a unit of SS.
- N_c = Operation and maintenance cost to treat a unit of ammonia nitrogen.
- P_c = Operation and maintenance cost to treat any other pollutant.
- B = Amount of BOD from a user above a base level.
- S = Amount of SS from a user above a base level.
- N = Amount of ammonia nitrogen from a user above a base level.
- P = Amount of any other pollutant from a user above a base level.
- V_u = Volume contribution per user per a unit of time.
- V_T = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
- I = Industrial surveillance cost per a unit of time.
- I_u = Industrial surveillance cost per a unit of industrial volume per a unit of time.
- R = User's charge for operation and maintenance per a unit of time.
- V_R = Total waste water contributed by residential customers per a year.
- T_c = Total number of connections to the system.

- (b) *Application.* Until amended, the ~~following~~ rates or factors established in this subsection shall apply for three (3) individual Phases as follows:

- (1) Phase I – The following rates are effective January 1, 2006 through December 31, 2006:

October 31, 2005

V_c = ~~\$1.3356~~ \$1.7229 per 1,000 gallons for all industrial flows;
= \$1.7216 per 1,000 gallons for 1st 7,000 gallons per month from non-industrial flows;
= \$1.7229 per 1,000 gallons for all usage over 7,000 gallons from non-industrial flows;
 I_u = ~~\$0.0636~~ \$0.0821 per 1,000 gallons;
 B_c = ~~\$0.1042~~ \$0.1184 per pound;
 S_c = ~~\$0.1143~~ \$0.1337 per pound;
 C_c = ~~\$2.39~~ \$3.08 per month; and
 N_c = ~~\$0.5270~~ \$0.6166 per pound.

(2) Phase II – The following rates are effective throughout all of 2007:

V_c = \$ 2.1102 per 1,000 gallons for all industrial flows;
= \$2.0727 per 1,000 gallons for 1st 7,000 gallons per month from non-industrial flows;
= \$2.1102 per 1,000 gallons for all usage over 7,000 gallons from non-industrial flows;
 I_u = \$0.1005 per 1,000 gallons;
 B_c = \$0.1385 per pound;
 S_c = \$0.1565 per pound;
 C_c = \$3.98 per month; and
 N_c = \$0.7214 per pound.

(3) Phase III – The following rates are effective on and after January 1, 2008:

V_c = \$2.4976 per 1,000 gallons for all industrial flows;
= \$2.3758 per 1,000 gallons for 1st 7,000 gallons per month from non-industrial flows;
= \$2.4976 per 1,000 gallons for all usage over 7,000 gallons from non-industrial flows;
 I_u = \$0.1189 per 1,000 gallons;
 B_c = \$0.1621 per pound;
 S_c = \$0.1831 per pound;
 C_c = \$5.13 per month; and
 N_c = \$0.8441 per pound.

(c) *Minimum charge and base level (Phase I).* The minimum charge on any monthly billing for an industrial user shall be ~~\$6.59~~ \$8.50 and for a nonindustrial user shall be ~~\$6.40~~ \$8.26. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and NH₃--N base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided. The rates established in this subsection are effective January 1, 2006 through December 31, 2006.

(d) *Minimum charge and base level (Phase II).* The minimum charge on any monthly billing for an industrial user shall be \$10.97 and for a nonindustrial user shall be \$10.65. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and NH₃--N base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided. The rates established in this subsection are effective throughout all of 2007.

(e) *Minimum charge and base level (Phase III).* The minimum charge on any monthly billing for an industrial user shall be \$14.15 and for a nonindustrial user shall be \$13.74. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and NH₃--N base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided. The rates established in this subsection are effective on and after January 1, 2008.

SECTION 4. Sections 671-102.5 and 671-102.7 of the "Revised Code of the Consolidated City and County," regarding supplemental sewer user charges for areas previously served by Fairwood Utilities, Inc., and supplemental repair charges for areas previously served by Southside Utilities, Inc., respectively, hereby are REPEALED.

SECTION 5. Section 671-152 of the "Revised Code of the Consolidated City and County," regarding sanitary sewer construction permits, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 671-152. Application procedures; design plans and specifications.

(a) Applications shall be submitted in accordance with procedures established by the division of compliance and revised from time to time. Design plans and specifications for the construction of sanitary sewers shall be developed by or under the direction of a professional engineer registered in accordance with IC 25-31-1 and shall have a title sheet which includes the professional engineer's seal and signature. The approval of design plans and specifications by the division of compliance under this article shall be valid for a period of one (1) year from the date such approval was granted, or until the construction permit for which the design plans and specifications were submitted is issued, whichever occurs first. However, prior to the issuance of the construction permit, if there are any material changes to approved design plans and specifications, or circumstances which cause the design plans and specifications to be inaccurate or incomplete, then new or corrected design plans and specifications shall be submitted to the division of compliance as a precondition for obtaining a construction permit.

(b) ~~An application fee shall be submitted to cover the cost of plan review.~~ The following permits and payment of the associated fees are required when building a sanitary sewer. The board of public works shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year.

(1) The plan review fees shall cover the costs for the amount of time that is required for the division of compliance to administer and review plans submitted under this article for conformance with the department's standards and specifications.

(2) The administrative fee shall cover the department's costs related to administration, planning, and review for the sewer service agreement.

~~The application fee~~ fees paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(c) Applications for construction permits shall be submitted at least sixty (60) days in advance of the proposed start of construction, provided, however, that a shorter time period may be approved by the division of compliance.

(d) Applications shall include a certificate of sufficiency of plan filed by a professional engineer registered in accordance with IC 25-31-1.

(e) The administrator of the division of compliance may, as a prerequisite to the issuance of a construction permit, require developers, wherever applicable, to send written notification to property owners whose properties abut the route of the proposed sewer.

(f) Applications shall include any additional information deemed necessary by the division of compliance to carry out the provisions of this chapter.

SECTION 6. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 8. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 537, 2005. In Chairman Conley's absence, Councillor Mansfield reported that the Public Works Committee heard Proposal No. 537, 2005 on October 20, 2005. The proposal, sponsored by Councillors Conley and Mahern, authorizes the Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Services (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as Tox-Drops. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mansfield moved, seconded by Councillor ?, for adoption. Proposal No. ?, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

4 NOT VOTING: Bowes, Gray, Plowman, Randolph

1 ABSENT: Conley

Proposal No. 537, 2005 was retitled SPECIAL RESOLUTION NO. 79, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 2005

PROPOSAL FOR A SPECIAL RESOLUTION authorizing the Department of Public Works, Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as ToxDrops. In addition, funding will be used to develop and print public outreach materials promoting the safe disposal of environmentally hazardous household products, including certain electronic materials, and those promoting the safe disposal of hazardous waste from Conditionally Exempt Small Quantity Generators (CESQGs).

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana is the County legislative body and is by law authorized to adopt ordinances and resolutions concerning governmental and internal affairs of Marion County, Indiana; and

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana has consistently demonstrated support for environmental programs which show an interest in protecting the environmental health of the residents of Marion County;

WHEREAS, IC 13-20-20-3 (b)(6) requires a resolution authorizing the project and the grant request; now therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council hereby authorizes the grant request and the continued participation of the Department of Public Works' Office of Environmental Services in the household hazardous waste program.

SECTION 2. The Office of Environmental Services intends to carry out all of the specific activities listed in the grant.

SECTION 3. The Office of Environmental Services shall allow IDEM employees to have access to and inspect the household hazardous waste and CESQG waste collection sites and materials involved in the projects.

SECTION 4. The Office of Environmental Services shall maintain appropriate records that document all expenditures made during the project and shall submit a final report detailing all project activities, achievements, and problems as required by IDEM.

SECTION 5. The Office of Environmental Services will follow a timetable that completes the project within 12 months and agrees to provide waste collection in accordance with the schedule contained within the grant application, and to submit reports on or before the date that IDEM requires them.

SECTION 6. The Office of Environmental Services shall commit the funding (excluding the grant amount) required to implement and administer the project.

SECTION 7. The Council affirms that the City has an existing permanent household hazardous waste program, which also accepts waste from CESQGs, and affirms that the City already has an on-going education program that stresses source reduction for household hazardous waste and the substitution of non-hazardous alternatives.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor McWhirter said that there is a pending proposal for an appointment for the Wayne Township Comprehensive Planning Committee. She asked if there is still an opening on that committee. President Talley stated that he will have Councillor Gray follow up on that matter.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor All in memory of David Scott; and
- (2) Councillor Langsford in memory of Donald Carroll; and
- (3) Councillor Schneider and Bradford in memory of John E. Miller; and
- (4) Councillor Abdullah in memory of William Cleophas Henard, Sr.; and
- (5) Councillor Oliver in memory of Belinda G. Gathright; and
- (6) Councillor Randolph and Abdullah in memory of Paulwinder Singh and Clarence Williams; and
- (7) Councillor Sanders in memory of Judge John Price.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of David Scott, Donald Carroll, John E. Miller, William Cleophas Henard, Sr., Belinda G. Gathright, Paulwinder Singh, Clarence Williams, and Judge John Price. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:15 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 31st day of October, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)